

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|---------------------------------|----------|--|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. <u>09-</u> |
| v. | : | DATE FILED: <u>10-1-2009</u> |
| MICHAEL D. LEWIS | : | VIOLATION: |
| CANTRELL FLETCHER, | : | 18 U.S.C. § 1029(b)(2) (conspiracy to |
| a/k/a "Man Man," | : | commit access device fraud - 1 count) |
| KEITH PEARSALL, | : | 18 U.S.C. § 1029(a)(2) (access device |
| a/k/a "Goat" | : | fraud - 3 counts) |
| | : | 18 U.S.C. § 1029(a)(3) (access device |
| | : | fraud - 1 count) |
| | : | 18 U.S.C. § 1029(a)(4) (access device |
| | : | fraud - 2 counts) |
| | : | 18 U.S.C. § 1028A(a)(1), (c)(4) |
| | : | (aggravated identity theft - 78 counts) |
| | : | 18 U.S.C. § 2 (aiding and abetting) |
| | : | Notice of forfeiture |

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Co-conspirator 1, whose identity is known to the grand jury, worked as a waitress at a T.G.I. Friday's restaurant on City Line Avenue in Philadelphia, Pennsylvania.
2. Co-conspirator 2, whose identity is known to the grand jury, worked as a waitress at a Ruby Tuesday's on Chestnut Street in Philadelphia, Pennsylvania.
3. Co-conspirator 3, whose identity is known to the grand jury, worked as a waitress at a Ruby Tuesday's on Chestnut Street in Philadelphia, Pennsylvania.

4. The following servicers of credit and debit card accounts did business in interstate commerce:

- a. American Express;
- b. Discover Financial Services LLC;
- c. JP Morgan Chase;
- d. F.I.A. Card Services N.A.;
- e. Barclays of Delaware;
- f. PNC Bank;
- g. Citibank N.A.;
- h. First Premier Bank LLC;
- I. TD Bank N.A.;
- j. Wilmington Trust Company;
- k. Wachovia Bank N.A.;
- l. Sovereign Bank;
- m. Philadelphia Federal Credit Union;
- n. Tesco Personal Finance Ltd.;
- o. RBS Citizens N.A.;
- p. Royal Bank of Canada;
- q. HSBC Bank Nevada N.A.;
- r. First National Bank of Omaha;
- s. Freedom Federal Credit Union;
- t. Merchants National Bank of Bangor;

- u. Diamond Credit Union;
- v. Beneficial Mutual Savings Bank;
- w. Navy Federal Credit Union;
- x. U.S. Bank N.A.

5. A skimming device, or skimmer, is a device that is capable of reading and recording the information stored on the magnetic strips of credit or debit cards, and is capable of transferring that information to another electronic storage device, such as a computer, by use of connecting cables.

6. An encoding device, or encoder, is a device that is capable of reading the information stored on the magnetic strips of credit or debit cards and also writing information to the magnetic strips on credit or debit cards.

7. From in or about December 2007, to in or about May 2009, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**MICHAEL D. LEWIS,
CANTRELL FLETCHER, a/k/a “Man Man,” and
KEITH PEARSALL, a/k/a “Goat”**

conspired and agreed, together and with others known and unknown to the grand jury, to commit an offense against the United States, that is, to knowingly and with intent to defraud traffic in and use unauthorized credit card and debit card numbers during a one-year period, and by such conduct obtain something of value aggregating \$1,000 or more during that period, in violation of Title 18, United States Code, Section 1029(a)(2).

MANNER AND MEANS

It was part of the conspiracy that:

8. Defendants MICHAEL D. LEWIS and CANTRELL FLETCHER, and others known to the grand jury, provided skimming devices to employees of restaurants, hotels, and retail stores throughout the Philadelphia area, such as co-conspirators 1, 2, and 3, for them to use secretly to steal the credit card and debit card numbers of their employers' customers, so that the members of the conspiracy, including defendant KEITH PEARSALL, could use them to buy merchandise and other things of value.

It was further a part of the conspiracy that:

9. Defendants MICHAEL D. LEWIS and CANTRELL FLETCHER, and others known to the grand jury, recruited others, including co-conspirators 1, 2, and 3, to use skimming devices at their places of employment. FLETCHER used middlemen, including R.C., to recruit people to use skimming devices for him.

10. Co-conspirators 1, 2, and 3, and others known and unknown to the grand jury, secretly used the skimming devices to record the credit card and debit card numbers of their employers' unsuspecting customers.

11. Co-conspirators 1, 2, and 3, and others known and unknown to the grand jury, would then contact MICHAEL D. LEWIS, CANTRELL FLETCHER, and others known to the grand jury, who had provided them with the skimming devices, to let them know that they had stolen some credit and debit card numbers.

12. Defendants MICHAEL D. LEWIS and CANTRELL FLETCHER met with the people who had used the skimming devices, including co-conspirators 1, 2, and 3, so that they could exchange stolen credit and debit card numbers for payment.

13. Defendants MICHAEL D. LEWIS and CANTRELL FLETCHER made the stolen credit card and debit card numbers they received from people like co-conspirators 1, 2, and 3 useable by employing their computers to upload the information from the skimming devices, and then using an encoding device to record the stolen numbers onto the magnetic strips on the backs of other credit cards, debit cards, or plain white plastic cards.

14. Defendants MICHAEL D. LEWIS, CANTRELL FLETCHER, and KEITH PEARSALL, and other members of the conspiracy, used the stolen credit card and debit card numbers to buy merchandise, gift cards, and other things of value. They went shopping together when using the stolen credit and debit card numbers. They also went shopping for one another using stolen credit and debit card numbers. Some of the items they purchased they kept for themselves, some they used to renovate their homes and cars, and some they used to pay their co-conspirators for their participation.

15. Defendants MICHAEL D. LEWIS, CANTRELL FLETCHER, and KEITH PEARSALL, and others known to the grand jury, also exchanged and shared stolen credit and debit numbers among themselves.

16. Defendants MICHAEL D. LEWIS and CANTRELL FLETCHER sometimes loaded stolen credit and debit card numbers onto another person's debit or credit card as payment for their participation. This allowed the person in possession of the credit or debit card to make use of the stolen credit and debit card numbers at their own discretion.

17. Defendants MICHAEL D. LEWIS and CANTRELL FLETCHER, and other members of the conspiracy who are known to the grand jury, used the same supplier of skimming and encoding devices.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, defendants MICHAEL D. LEWIS, CANTRELL FLETCHER, and KEITH PEARSALL, and others known and unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

1. From in or about September 2008, through in or about April 2009, co-conspirator 1 and others known to the grand jury used a skimming device at T.G.I. Friday's to steal at least nine credit and debit card numbers.

2. From in or about October 2008, through in or about April 2009, co-conspirators 2 and 3, and others known to the grand jury, used a skimming device at Ruby Tuesday's to steal at least fifteen credit and debit card numbers.

3. On or about May 6, 2009, defendant MICHAEL D. LEWIS possessed fifty-seven stolen credit and debit card numbers with the intent to use the stolen numbers to buy things of value.

4. In or about April 2009, defendant MICHAEL D. LEWIS and others acting in concert with him used four stolen credit and debit card numbers, that is, cards ending in 5576, 3133, 3094, and 4452, to make unauthorized purchases totaling approximately \$2,437.35.

5. On or about October 21, 2008, defendant CANTRELL FLETCHER, and R.C. possessed six stolen credit and debit card numbers with the intent to use the stolen numbers to buy things of value.

6. On or about May 6, 2009, defendant CANTRELL FLETCHER possessed four stolen credit and debit card numbers with the intent to use the stolen numbers to buy things of value.

7. From in or about September 2008, through in or about December 2008, defendant CANTRELL FLETCHER and others acting in concert with him used five stolen credit and debit card numbers, that is, cards ending in 9053, 5314, 8750, 4693, and 0271, to make unauthorized purchases totaling approximately \$2,177.34.

8. On or about May 6, 2009, defendant KEITH PEARSALL possessed eleven stolen credit and debit card numbers with the intent to use the stolen numbers to buy things of value.

9. From in or about August 2008, through in or about May 2009, defendant KEITH PEARSALL and others acting in concert with him used three stolen credit and debit card numbers, that is, cards ending in 2947, 5836, and 8750, to make unauthorized purchases totaling approximately \$1,263.59.

All in violation of Title 18, United States Code, Section 1029(b)(2).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 6 and 8 through 17, and Overt Acts 1 through 9 of Count One are incorporated here.

2. On or about May 6, 2009, in Philadelphia, Pennsylvania, in the Eastern District of Pennsylvania, defendant

MICHAEL D. LEWIS

knowingly and with the intent to defraud possessed fifteen or more devices which are counterfeit and unauthorized access devices, thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 1029(a)(3).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 6 and 8 through 17, and Overt Acts 1 through 9 of Count One are incorporated here.

2. On or about May 6, 2009, in Philadelphia, Pennsylvania, in the Eastern District of Pennsylvania, defendant

MICHAEL D. LEWIS

knowingly and with the intent to defraud produced, trafficked in, had control and custody of, and possessed device-making equipment, thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(4).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 6 and 8 through 17, and Overt Acts 1 through 9 of Count One are incorporated here.

2. In or about April 2009, in the Eastern District of Pennsylvania, and elsewhere, defendant

MICHAEL D. LEWIS

knowingly and with the intent to defraud used, and aided and abetted and willfully caused the use of, four unauthorized access devices, that is, cards ending in 5576, 3133, 3094, and 4452, to obtain things of value aggregating \$1,000 or more during a one-year period, for a total of approximately \$2,437.35, thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and 2.

COUNTS FIVE THROUGH SIXTY-ONE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 6 and 8 through 17, and Overt Acts 1 through 9 of Count One are incorporated here.

2. On or about May 6, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

MICHAEL D. LEWIS

knowingly and without lawful authority transferred, possessed, and used, and aided and abetted the transfer, possession, and use of, means of identification of other people, that is, the access devices listed below, during and in relation to access device fraud, each occasion constituting a separate count:

| COUNT | LAST FOUR DIGITS OF CREDIT CARD OR DEBIT CARD NUMBER | VICTIM'S INITIALS |
|--------------|---|------------------------------|
| 5 | 9049 | M.A. |
| 6 | 4366 | J.B. |
| 7 | 1379 | K.B. |
| 8 | 2011 | J.C. |
| 9 | 4233 | J.C. |
| 10 | 5576 | J.C. |
| 11 | 3055 | E.C. |
| 12 | 7429 | J.C. |
| 13 | 3429 | M.D. |
| 14 | 3130 | B.D. |
| 15 | 5322 | S.D. |

| COUNT | LAST FOUR DIGITS OF CREDIT CARD OR DEBIT CARD NUMBER | VICTIM'S INITIALS |
|--------------|---|------------------------------|
| 16 | 9689 | C.E. |
| 17 | 3092 | J.F. |
| 18 | 5192 | P.G. |
| 19 | 8433 | A.H. |
| 20 | 6091 | B.H. |
| 21 | 4587 | L.H. |
| 22 | 8585 | R.H. |
| 23 | 4689 | C.H. |
| 24 | 2172 | R.H. |
| 25 | 1001 | T.J. |
| 26 | 7923 | K.J. |
| 27 | 2005 | T.L. |
| 28 | 6778 | E.L. |
| 29 | 3133 | D.L. |
| 30 | 5552 | J.L. |
| 31 | 3011 | Y.L. |
| 32 | 1769 | J.M. |
| 33 | 1160 | M.M. |
| 34 | 8723 | N.M. |
| 35 | 6913 | N.M. |
| 36 | 4012 | N.M. |
| 37 | 4834 | T.M. |
| 38 | 1001 | P.M. |
| 39 | 2913 | L.M. |

| COUNT | LAST FOUR DIGITS OF CREDIT CARD OR DEBIT CARD NUMBER | VICTIM'S INITIALS |
|--------------|---|------------------------------|
| 40 | 1726 | J.O. |
| 41 | 2938 | P.P. |
| 42 | 3094 | C.P. |
| 43 | 9092 | C.R. |
| 44 | 1501 | G.R. |
| 45 | 2103 | D.S.-W. |
| 46 | 1002 | J.S. |
| 47 | 2001 | R.S. |
| 48 | 5014 | J.S. |
| 49 | 4110 | R.S. |
| 50 | 6401 | N.S. |
| 51 | 3007 | M.S. |
| 52 | 6004 | B.S. |
| 53 | 4403 | E.T. |
| 54 | 6091 | B.T. |
| 55 | 3002 | A.V. |
| 56 | 9871 | G.W. |
| 57 | 7091 | E.W. |
| 58 | 7273 | J.W. |
| 59 | 6982 | V.W. |
| 60 | 4782 | W.W. |
| 61 | 4452 | J.W. |

All in violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(4), and 2.

COUNT SIXTY-TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 6 and 8 through 17, and Overt Acts 1 through 9 of Count One are incorporated here.

2. On or about May 6, 2009, in Philadelphia, Pennsylvania, in the Eastern District of Pennsylvania, defendant

**CANTRELL FLETCHER,
a/k/a “Man Man,”**

knowingly and with the intent to defraud produced, trafficked in, had control and custody of, and possessed device-making equipment, thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(4).

COUNT SIXTY-THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 6 and 8 through 17, and Overt Acts 1 through 9 of Count One are incorporated here.

2. From in or about September 2008 through in or about December 2008, in the Eastern District of Pennsylvania, and elsewhere, defendant

**CANTRELL FLETCHER,
a/k/a “Man Man,”**

knowingly and with the intent to defraud used, and aided and abetted and willfully caused the use of, five unauthorized access devices, that is, cards ending in 9053, 5314, 8750, 4693, and 0271, to obtain things of value aggregating \$1,000 or more during a one-year period, for a total of at least \$2,177.34, thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and 2.

COUNTS SIXTY-FOUR THROUGH SEVENTY-THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 6 and 8 through 17, and Overt Acts 1 through 9 of Count One are incorporated here.

2. On or about the following dates, in Philadelphia, in the Eastern District of Pennsylvania, and in the Southern District of New York, defendant

**CANTRELL FLETCHER,
a/k/a “Man Man,”**

knowingly and without lawful authority transferred, possessed, and used, and aided and abetted the transfer, possession, and use of, means of identification of other people, that is, the access devices listed below, during and in relation to access device fraud, each occasion constituting a separate count:

| COUNT | DATE | LAST FOUR DIGITS OF CREDIT CARD OR DEBIT CARD NUMBER | VICTIM'S INITIALS |
|--------------|-------------|---|------------------------------|
| 64 | 10/21/2008 | 2869 | A.D. |
| 65 | 10/21/2008 | 9775 | M.G. |
| 66 | 10/21/2008 | 5314 | H.R. |
| 67 | 10/21/2008 | 4693 | K.J. |
| 68 | 10/21/2008 | 2572 | L.O. |
| 69 | 10/21/2008 | 0271 | H.P. |
| 70 | 5/6/2009 | 9053 | F.L. |
| 71 | 5/6/2009 | 8750 | A.S. |
| 72 | 5/6/2009 | 1010 | K.S. |
| 73 | 5/6/2009 | 8728 | V.W. |

All in violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(4), and 2.

COUNT SEVENTY-FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 6 and 8 through 17, and Overt Acts 1 through 9 of Count One are incorporated here.

2. From in or about August 2008 to in or about May 2009, in the Eastern District of Pennsylvania, and elsewhere, defendant

**KEITH PEARSALL,
a/k/a “Goat,”**

knowingly and with the intent to defraud used, and aided and abetted and willfully caused the use of, three unauthorized access devices, that is, cards ending in 2947, 5836, and 8750, to obtain things of value aggregating \$1,000 or more during a one-year period, for a total of at least \$1,263.59, thereby affecting interstate and foreign commerce:

In violation of Title 18, United States Code, Sections 1029(a)(2) and 2.

COUNTS SEVENTY-FIVE THROUGH EIGHTY-FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 6 and 8 through 17, and Overt Acts 1 through 9 of Count One are incorporated here.

2. On or about May 6, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KEITH PEARSALL,
a/k/a “Goat,”**

knowingly and without lawful authority transferred, possessed, and used, and aided and abetted the transfer, possession, and use of, means of identification of other people, that is, the access devices listed below, during and in relation to access device fraud, each occasion constituting a separate count:

| COUNT | LAST FOUR DIGITS OF CREDIT CARD OR DEBIT CARD NUMBER | VICTIM'S INITIALS |
|--------------|---|------------------------------|
| 75 | 3033 | M.D. |
| 76 | 0161 | J.G. |
| 77 | 2947 | T.G. |
| 78 | 5836 | C.M. |
| 79 | 2620 | R.M. |
| 80 | 8185 | E.P. |
| 81 | 4006 | R.R. |
| 82 | 3712 | B.R. |
| 83 | 2037 | B.S. |
| 84 | 8750 | A.S. |
| 85 | 6887 | S.T. |

All in violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(4), and 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Section 1029(a), set forth in this indictment, defendants

**MICHAEL D. LEWIS,
CANTRELL FLETCHER, a/k/a “Man Man,” and
KEITH PEARSALL, a/k/a “Goat”**

shall forfeit to the United States of America:

- a. any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses.
2. If any of the property described in paragraph 1 above, as a result of any act or omission of the defendants:
 - a. cannot be located upon the exercise of due diligence;
 - b. has been transferred to, sold to, or deposited with a third party;
 - c. has been placed beyond the jurisdiction of this Court;
 - d. has been substantially diminished in value; or
 - e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any

other property of the defendant up to the value of the property, described in subparagraphs a through e of this paragraph.

All pursuant to Title 18, United States Code, Section 1029(c)(1)(C).

A TRUE BILL:

GRAND JURY FOREPERSON

MICHAEL L. LEVY
UNITED STATES ATTORNEY